



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 16, 1992

Mr. Donald E. Lindsay  
Henslee, Ryan & Groce  
Great Hills Plaza  
9600 Great Hills Trail  
Suite 300 West  
Austin, Texas 78759-6303

OR92-404

Dear Mr. Lindsay:

As counsel for the Victoria Independent School District you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 16197.

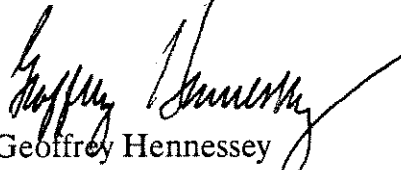
The District has received a request for: 1) "all documents . . . concerning complaints made by Ms. Judy Graves [a School District bus driver] against any of the students, or parents of students, who ride or have ridden Ms. Graves' bus this school year" and 2) "all documents concerning any complaints against Ms. Graves which you have received for the last three years." The District has advised that it has no documents meeting the latter description. The District has furnished for our review several documents meeting the former description. These documents consist solely of student disciplinary reports which are used by District bus drivers to report unruly student behavior; the reports identify: the student, the offensive conduct (e.g. fighting, spitting, profane language, etc.), the bus driver and route, and the principal's disposition of the matter. The District contends that this information is excepted by Open Record Act sections 3(a)(2) and 3(a)(14).

Open Records Act section 3(a)(14) excepts from required public disclosure "student records at educational institutions funded wholly, or in part, by state revenue." This office has previously ruled that documents created by a public school employee for the school's files and which identify particular students are excepted by section 3(a)(14). Open Records Decision No. 327 (1982); *see also* Open Records Decision No. 294 (1981). In Open Records Decision No. 165 (1977) this office stated: "There is no question that information concerning disciplinary action taken

against an identifiable student is excepted from required disclosure under section 3(a)(14) of the Act as a student record and that such disclosure would be in contravention of the provisions of the Buckley Amendment, and thus, contrary to section 14(e) of the Open Records Act." Open Records Decision No. 165 at 2 (collecting cases). Accordingly, the student disciplinary reports at issue in this matter are excepted pursuant to section 3(a)(14). Because the documents are excepted pursuant to section 3(a)(14), we do not address your claim that the documents are also excepted pursuant to 3(a)(2).

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-404.

Very truly yours,

  
Geoffrey Hennessey  
Assistant Attorney General  
Opinions Committee

GH/lmm

Ref.: ID# 16197  
ID# 16308

cc: Mr. A. Jay Condie  
Pachta & Heinold  
Attorneys at Law  
P. O. Box 2330  
Victoria, Texas 77902